

Rev. 4/18

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT
CIVIL APPEAL STATEMENT

Please TYPE. Attach additional pages if necessary.

11th Circuit Docket Number: 24-13479-D

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|--|--|
| Caption: BRYAN G. WOOD, and KAYLEE M. WOOD, <p style="text-align: center;">Plaintiffs - Appellee,</p> <p style="text-align: center;">V.</p> <p style="text-align: center;">PROGRESSIVE SELECT INS. CO.,</p> <p style="text-align: center;">Defendant - Appellants.</p> | District and Division: Southern District of Florida - Fort Pierce Name of Judge: Hon. Jose E. Martinez Nature of Suit: Insurance Claim <hr/> Date Complaint Filed: 01/06/2017 District Court Docket Number: 2:21-cv-14172-JEM Date Notice of Appeal Filed: 10/23/2024 <input type="checkbox"/> Cross Appeal <input type="checkbox"/> Class Action <hr/> Has this matter previously been before this court? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Yes, provide (a) Caption: _____ (b) Citation: _____ (c) Docket Number: _____ |
|--|--|

| | Attorney Name | Mailing Address | Telephone, Fax, Email |
|---|--|--|---|
| For Appellant: <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify) | Adam A. Duke, Esq. Richard A. Weldy, Esq Max Tsoy, Esq. | 2 South Biscayne Blvd Suite 3195 Miami, FL 33131 | T: 305-222-7720 F: 305-492-7729 aduke@flalawyer.net rweldy@flalawyer.net mtsoy@flalawyer.net |
| For Appellee: <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other (Specify) | Jeffrey M. Liggio, Esq | 1615 Forum Place Suite 3B West Palm Beach, FL 33401 | T: 561-616-3333 jliggio@liggiolaw.com oliggio@liggiolaw.com ncuevas@liggiolaw.com |

Please CIRCLE/CHECK/COMPLETE the items below and on page 2 that apply.

| Jurisdiction | Nature of Judgment | Type of Order | Relief |
|--|---|--|---|
| <input type="checkbox"/> Federal Question <input checked="" type="checkbox"/> Diversity <input type="checkbox"/> US Plaintiff <input type="checkbox"/> US Defendant | <input checked="" type="checkbox"/> Final Judgment, 28 USC 1291 <input type="checkbox"/> Interlocutory Order, 28 USC 1292(a)(1) <input type="checkbox"/> Interlocutory Order Certified, 28 USC 1292(b) <input type="checkbox"/> Interlocutory Order, Qualified Immunity <input type="checkbox"/> Final Agency Action (Review) <input type="checkbox"/> 54(b) | <input type="checkbox"/> Dismissal/Jurisdiction <input type="checkbox"/> Default Judgment <input type="checkbox"/> Summary Judgment <input type="checkbox"/> Judgment/Bench Trial <input checked="" type="checkbox"/> Judgment/Jury Verdict <input type="checkbox"/> Judgment/Directed Verdict/NOV <input type="checkbox"/> Injunction <input type="checkbox"/> Other _____ | Amount Sought by Plaintiff: \$ _____ Amount Sought by Defendant: \$ <u>n/a</u> Awarded: \$ <u>267,385.38</u> to <u>Plaintiff</u> Injunctions: <input type="checkbox"/> TRO <input type="checkbox"/> Preliminary <input type="checkbox"/> Permanent <input type="checkbox"/> Granted <input type="checkbox"/> Denied |

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Based on your present knowledge:

- (1) Does this appeal involve a question of First Impression? ☐ Yes ☒ No
What is the issue you claim is one of First Impression? _____
- (2) Will the determination of this appeal turn on the interpretation or application of a particular case or statute? ☐ Yes ☒ No
If Yes, provide
(a) Case Name/Statute _____
(b) Citation _____
(c) Docket Number if unreported _____
- (3) Is there any case now pending or about to be brought before this court or any other court or administrative agency that
(a) Arises from substantially the same case or controversy as this appeal? ☐ Yes ☒ No
(b) Involves an issue that is substantially the same, similar, or related to an issue in this appeal? ☐ Yes ☒ No
If Yes, provide
(a) Case Name _____
(b) Citation _____
(c) Docket Number if unreported _____
(d) Court or Agency _____
- (4) Will this appeal involve a conflict of law
(a) Within the Eleventh Circuit? ☐ Yes ☒ No
(b) Among circuits? ☐ Yes ☒ No

If Yes, explain briefly:

- (5) Issues proposed to be raised on appeal, including jurisdictional challenges:
1. Whether the Court erred in denying Progressive's request to assert a for-cause challenge of a Potential Juror, who previously handled similar bad faith suits as a plaintiff's attorney, both as a witness and as claimant's counsel, wherein the ruling deprived Progressive of sufficient peremptory challenges to strike another prospective juror who exhibited bias and partiality;
 2. Whether the Court erred in failing to grant Progressive's Directed Verdict and Motion for Judgment Notwithstanding the Verdict under the applicable law and undisputed facts.

This Court has jurisdiction over this matter in accordance with 28 U.S. Code § 1332 where

I CERTIFY THAT I SERVED THIS CIVIL APPEAL STATEMENT ON THE CLERK OF THE U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT AND
SERVED A COPY ON EACH PARTY OR THEIR COUNSEL OF RECORD, THIS 20th DAY OF November, 2024.

Richard A. Weldy

NAME OF COUNSEL (Print)

SIGNATURE OF COUNSEL

